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Tokelau

Working paper prepared by the Secretariat

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I. General

1. Tokelau,[1] a Non-Self-Governing Territory administered by New Zealand, consists of three small atolls in the South Pacific (Fakaofo, Nukunonu and Atafu), with a total area of approximately 12.2 km^2. Fakaofo is the southernmost atoll; Nukunonu is nearly 50 km away; and Atafu is nearly 100 km from Nukunonu. Each atoll comprises strips of land no more than 200 m wide and never more than 5 m above sea level. Samoa, 480 km to the south, is the nearest sizeable neighbour and the principal point of contact for Tokelau with the outside world.

2. Tokelauans are Polynesians with linguistic, family and cultural links with Samoa. The last five-yearly census, taken on 19 October 2006, recorded a de jure resident population of 1,466. This figure includes all usual residents present in Tokelau on census night (excluding visitors), plus those who usually reside in Tokelau but were overseas temporarily in Government employment or for educational and medical reasons, a frequent occurrence in the Territory. The 2001 census had recorded a population of 1,537, which included all those present in Tokelau on census night as well as those counted in Apia, Samoa. By atoll, the 2006 population was recorded as follows: Atafu, 524; Fakaofo, 483; and Nukunonu, 426. An additional 33 Tokelauan public servants, including their immediate families, were recorded in Apia, where the Tokelau Apia Liaison Office is located. The constraints of atoll life and the limited opportunities there, as well as the right of Tokelauans, as New Zealand citizens, to live in New Zealand (and therefore also Australia), have led many Tokelauans over the past 40 or more years to leave their atolls. In 2006, almost 7,000 people in New Zealand declared themselves to be Tokelauan. Sizeable Tokelauan communities also exist in Australia and Samoa. These communities include both those born on the atolls of Tokelau and a growing percentage of people born outside Tokelau.

3. There has never been a New Zealand representative resident in the Territory. The New Zealand official with principal responsibility for relations with Tokelau is the Administrator of Tokelau, appointed by the Minister for Foreign Affairs and Trade of New Zealand. In October 2006, David Payton was appointed as Administrator.

II. Constitutional and political developments

4. As reported in previous working papers on the question of Tokelau (see A/AC.109/2001/5, A/AC.109/2002/6, A/AC.109/2003/10, A/AC.109/2004/8 and A/AC.109/2005/3), the current process of constitutional development stems from the 1998 decision by the General Fono (the national representative body of Tokelau) to endorse a comprehensive report entitled "Modern House of Tokelau", which addressed the core issue that faced Tokelau in creating a constitutional framework: i.e. how to construct a governance and administrative system that suited a self-governing nation based on the atoll or village structure and that respected traditional decision-making customs.

[1] The information contained in the present working paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

5. Regarding the legislative structure, in accordance with recommendations made in the 1998 Modern House report, a new electoral system was instituted for the General Fono in 1999. The issue of representation within the General Fono was reviewed again in October 2004, and decisions were made on a method of appointment of the Chairperson of the General Fono and on the role and responsibilities of the six-person Council of Ongoing Government, which is, in effect, the executive Government during times when the General Fono is not in session. The Council consists of the three Faipule (the representative of each village) and the three Pulenuku (the mayor of each village).

6. Since November 2001, legislative seats in the General Fono have been proportional to the size of the population of each atoll. Replacing the former structure of 18 members (6 per atoll), the new General Fono has 20 members, giving Atafu and Fakaofo seven delegates each, and Nukunonu has six. Elections for Faipule, Pulenuku and General Fono delegates are held in each village in January every third year. Elections took place from 17 to 19 January 2008. The position of Ulu-o-Tokelau, or Head of Government, rotates annually among the three Faipule. In 2007, it was held by Kuresa Nasau, Faipule of Atafu, who won re-election together with the Faipule of Nukunonu, Pio Tuia, who in February will be sworn in as the Ulu for 2008. A new Faipule for Fakaofo was also elected: Foua Toloa.

7. The first discussions on a new framework for the relationship between New Zealand and Tokelau, based on initial studies for a Tokelauan Constitution, funded by the United Nations Development Programme (UNDP) in the mid-1990s, were held in Wellington in December 2002. Following further consultations, a Principles of Partnership statement was agreed upon by the June 2003 General Fono and subsequently approved by the New Zealand Government. The Partnership agreement with New Zealand provided the medium- to long-term context in which work could be carried forward on constitutional and other developments for Tokelau. The document addressed the management of the Partnership, self-determination for Tokelau, Tokelauan language and culture, New Zealand citizenship, shared values, economic and administrative assistance, coordination of services to Tokelau, defence and security, foreign affairs and the Tokelauan community in New Zealand. At the same time, the New Zealand Government approved a support scheme for Tokelau known as the Administrative Assistance Scheme. The essence of the scheme was that all New Zealand Government agencies were formally instructed to consider providing assistance to Tokelau within their spheres of responsibility. Arrangements were made for the Office of the Administrator in Wellington to act as the liaison and coordination point for the scheme.

8. At its meeting in June 2003, the General Fono had also agreed that the three Village Councils should assume full responsibility for all the public services on their atolls and a target date of 30 June 2004 for the achievement of that objective was met. The decision stemmed from the earlier agreement emanating from the Modern House of Tokelau approach (see para. 4 above), whereby the traditional Council of Elders on each atoll should serve as the foundation for a future governance structure. Under that arrangement, the three Village Councils would delegate authority to the General Fono for those activities that needed to be handled at the national level (for further details on the review process of the public services of Tokelau prior to 30 June 2004, see A/AC.109/2005/3). The remaining aspect of the Modern House project, known as Friends of Tokelau (i.e. keeping Tokelauan communities in New Zealand and other interested parties informed of developments) is being handled by

the Office of the Council of Ongoing Government of Tokelau and the Office of the Administrator in Wellington. The Administrator's office has been incorporated into a larger Special Relations Unit, which is responsible for New Zealand's relationship with Tokelau (as well as with Niue), and is staffed by officers of both the Ministry of Foreign Affairs and the New Zealand Agency for International Development (NZAID).

9. At its June 2003 meeting, the General Fono also took a formal decision, by consensus and with the support of all three Village Councils, to "endorse self-government in free association with New Zealand as the choice now to be actively explored with the New Zealand Government". In November 2003, following extensive consultations conducted on all three atolls, the General Fono adopted a paper recommended by its Special Constitutional Committee which brought together all the main elements expected to underpin an eventual constitution. The paper drew upon customary practice, the written rules of the General Fono and parts of New Zealand law.

10. Agreement on the steps to be taken to give effect to this decision was reached at the General Fono, held in January 2004. Preparations included a series of discussions with senior officials in both Wellington and Apia, meetings with Tokelau's constitutional adviser, Professor Tony Angelo, as well as with senior Tokelau officials and political leadership, and a number of meetings with overseas Tokelauan communities in New Zealand, Samoa, American Samoa, Hawaii and Australia. During a visit to Tokelau in August 2004, the New Zealand Prime Minister welcomed decisions by Tokelau on its future political status and assured Tokelau of the ongoing friendship and support of New Zealand as it moved towards the act of self-determination.

11. The draft constitution was further considered at the October 2004 meetings of the Special Constitutional Committee and the General Fono, and was endorsed by the August 2005 General Fono as the basis for the proposed act of self-determination. The October 2004 General Fono also took a number of decisions on Tokelau's draft constitution and legislative framework, and reached agreement on law-making procedures, the role of the constitutional advisory body, Kau Hauatea, the judicial system and the newly established Tokelau International Trust Fund.

12. At the invitation of the Prime Minister of New Zealand, the Council of Ongoing Government visited New Zealand in November 2004 for high-level discussions on Tokelau's further political evolution. The Council met with the Governor-General, the Prime Minister, the Minister for Foreign Affairs and Trade and the leader of the opposition. The Council also held a series of meetings with the main Tokelauan communities in New Zealand. The Council made another official visit to New Zealand in November 2005, again meeting with all the major Tokelauan communities.

13. At its August 2005 meeting, the General Fono approved the text of a draft treaty of free association between Tokelau and New Zealand. The draft treaty together with the draft constitution, the so-called "Referendum Package", was to form the basis for the referendum on self-determination. The General Fono also appointed a translation committee and a referendum commission and in November 2005 set the dates for the referendum from 11 to 15 February 2006. It agreed that an overall majority of two thirds of the valid votes cast would be required for a change to the status of Tokelau and decided that the voting should take place sequentially in Apia and on the three atolls.

14. The referendum to determine the future status of Tokelau took place as planned in February 2006. Sixty per cent of registered Tokelauan voters voted in favour of self-government in free association with New Zealand. That percentage, however, was not sufficient to meet the required two-thirds majority. In numbers, a total of 584 voters (95 per cent of registered voters) turned out, with 349 voting in favour and 232 against. Three votes were declared invalid. The voting was conducted in the presence of a United Nations monitoring mission, which deemed the election process credible and reflective of the will of the people. Following a 2005 invitation by the New Zealand Government on behalf of Tokelau and New Zealand, Robert Aisi, Permanent Representative of Papua New Guinea to the United Nations, represented the Special Committee throughout the referendum process. He was accompanied by a representative of the Decolonization Unit of the Department of Political Affairs. Also present from the United Nations to formally monitor the elections were representatives of the Electoral Assistance Division, from both Headquarters and from Fiji.[2]

15. Following the referendum, the Council of Ongoing Government and the New Zealand Government agreed to leave the referendum package on the table for future consideration. Following consultations between the Council of Ongoing Government, the three villages and the General Fono, in August 2006, the General Fono took a consensus decision to hold a second referendum on Tokelauan self determination in late 2007. The proposed constitution and the draft treaty, commonly referred to as the self-determination package, were to be the same and the legal threshold for acceptance of the proposal would remain at a two-thirds majority: 66 per cent plus one.

16. Preparations for this second referendum followed closely those for the earlier one. Extensive consultations on each atoll took place, with primary emphasis focused on ensuring that all voters clearly understood what the proposed shift to self-government would entail (and equally what it would not). Contacts between the leadership of Tokelau and Tokelauan communities outside the atolls also took place. A feature of pre-referendum preparations was an intensive voter registration campaign. There were 789 people who registered to vote in the 2007 referendum, representing a 25 per cent increase over the 2006 voter rolls.

17. In accordance with the decision of the General Fono that the referendum should take place in late 2007 and before the onset of the cyclone season, the dates of 20 to 24 October were agreed upon for the voting. Voting in Apia was on 20 October, followed by voting on 22, 23 and 24 October, respectively, on Fakaofo, Nukunonu and Atafu. At 697, voter turnout, as a percentage of those registered, was lower than for the first referendum, with most non-voting occurring among those registered to vote outside Tokelau. The results of the voting were as follows: 446 voted in favour of the proposal of a shift to self-government, representing 64.4 per cent of valid votes cast; 246 rejected the proposal; and five votes were invalid. As this was less than the two-thirds threshold for a change of status, the outcome of the referendum was that Tokelau would remain a dependent territory. As was the case for the first referendum, the voting was conducted in the presence of a United Nations monitoring mission, which deemed that the election process was credible and reflected the will of the people. Ambassador Robert Aisi, Permanent Representative of Papua New Guinea to the United Nations, again represented the Special

[2] For more information on the 2006 Tokelau referendum, see A/AC.109/2006/20 and A/AC.109/2007/11.

Committee on Decolonization throughout the referendum process, accompanied by a representative of the Decolonization Unit of the Department of Political Affairs. Representatives of the Electoral Assistance Division formally monitored the elections on behalf of the United Nations.[3]

18. Following the results of the referendum, the General Fono met in Atafu on 25 and 26 October 2007 and decided to refer the "Question on Tokelau's Way Forward" to the Taupulega (the Council of Elders), to report back to the next General Fono (February 2008). It was also decided that there would be a report from the Council of Ongoing Government, taking into consideration the views of the New Zealand Government. The advice from the Government of New Zealand via the Administrator of Tokelau was that, on the matter of decolonization, it was to Tokelau to decide how to proceed. Whatever decision the General Fono made, New Zealand would not stand in the way. However, it was suggested that it might be helpful if several years were allowed to elapse before holding another referendum. One of the main concerns from the General Fono was how to ensure that the draft treaty remained on the table. The General Fono had made a decision to send a letter to the New Zealand Government requesting that the entire Package (i.e. the draft treaty and draft constitution that had been agreed on and had served as the foundation for the previous ballots) remain on the table.

19. The Council of Ongoing Government also met in the margins of the General Fono in October 2007 and discussed the results of the referendum and a possible way forward for Tokelau with the Administrator and the constitutional adviser of Tokelau. The Council of Ongoing Government noted the advice that Tokelau could in the future change the two-thirds majority threshold for the referendum, but should put in place measures to ensure that there was a clear majority in each village to guarantee unity. The Council of Ongoing Government also noted Tokelau's strong commitment to self-determination and its wish for an amended constitution. The Council directed its legal advisers to make the required amendments to the Constitution and to distribute it to all the villages.

20. The Council also felt that, since Tokelau now had enhanced financial security, it should focus on implementing various priority projects related to infrastructure and shipping. It was also agreed that much work needed to be done to improve and develop the villages and to strengthen the General Fono, the Council of Ongoing Government of Tokelau and the Tokelau Public Service.

III. External relations

21. As set out in paragraphs 9 and 10 of the Principles of Partnership statement, Tokelau as a Non-Self-Governing Territory currently has insufficient international legal personality to enter into formal international legal obligations in its own right. New Zealand is responsible for entering into any such obligations on behalf of Tokelau, after consulting with Tokelau as to its wishes. Tokelau participates in regional and international organizations in its own right to the extent that those organizations provide for such participation.

22. Tokelau is a member of the Forum Fisheries Agency, the South Pacific Community, the University of the South Pacific and the Pacific Regional Environment

[3] For a full report on the October 2007 Tokelau referendum, see A/AC.109/2007/19.

Programme. In October 2005, Tokelau was admitted as an Associate Member of the South Pacific Applied Geoscience Commission. Later that month, the Ulu of Tokelau attended the Pacific Islands Forum meeting, where Tokelau was welcomed as an observer for the first time. It has since then been determined that Tokelau will remain an observer until such time as, through an act of self-determination, Tokelau decides to change its status. Tokelau is also an Associate Member of the World Health Organization (WHO) and of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

23. In March 2003, the first formal visit to Tokelau by a Samoan Prime Minister took place and a memorandum of understanding was signed, in which the Territory and Samoa agreed on an annual programme of activities in areas such as education, shipping and economic cooperation. A first round of talks was held with the Prime Minister in December 2004, as provided for in the memorandum of understanding. Subsequently, contacts between Tokelau's leadership and the Government of Samoa have become more frequent, with increasing agreement on areas for practical cooperation, such as Tokelau being allowed to ship certain waste to Samoa.

24. Following a visit to Tokelau in April 2003 by the Director-General of the Secretariat of the Pacific Community, it was agreed that a senior member of the secretariat would act as a focal point for Tokelau programme activities, focusing on community health, youth, women, fisheries and cultural development.

25. In November 2003, New Zealand and Tokelau entered into an agreement with France on the delimitation of the maritime boundaries between Wallis and Futuna and Tokelau. Negotiations are now under way with Kiribati, and preliminary discussions have been held with the Cook Islands and Samoa.

IV. Economic conditions

26. Traditional and communal values and practices play a key role in contributing to a state of general well-being and equity in the Territory, as evidenced by the *inati* system and the importance attached to upholding the concept of the family and/or the extended family. The tradition of *inati* requires the deposition at a central location of food and produce, which is then apportioned by the distributors on the basis of "share groups". The principle provides for a secure distribution system that addresses the needs of every member of the community, including the elderly, widows, single parents and children.

27. Major constraints on economic growth include natural disadvantages, such as the small size of Tokelau, its isolation, the geographical dispersion of the atolls, limited and poor natural resources and natural disasters (such as cyclones). Tokelau's economic stability has so far been made possible by the high levels of assistance provided by the administering Power.

28. Tokelau has a unique combination of traditional and modern income resource streams. With Government funding, many villagers are paid regularly for various village duties ranging from construction and boat-loading to assistance to the General Fono and other public entities. The devolution of public services to the atolls has also increased the number of wage employees as well as the need for specialized skill development or qualifications. The past few years have seen a rise in small enterprises and in interest in generating cash income. However, artisans

prefer to keep handicrafts as a cultural practice rather than use them for commercial gain. Much investment has been made in expanding fisheries commercially over the past decade, but maintaining artisanal fisheries at a subsistence level remains the preferred approach. In addition, lack of reliable transport makes competition with Samoan fisheries, which are closer to markets, virtually impossible.

29. Migration of skilled persons is an ongoing challenge to the sustainability of any endeavour. However, unlike other islands in free association with New Zealand, namely Niue and the Cook Islands, where numbers are dwindling rapidly, Tokelau has been able to maintain a steady population. Although the recent census did indicate a decrease in numbers, the view of Tokelau's leadership is that most people leave Tokelau only temporarily, mainly for reasons of education (schools on the atolls currently provide education up to year 11 only); health (hospitals are currently equipped for basic services only); and employment. The coming years will show whether this perception of population retention is justified. What is very clear to both Tokelau and New Zealand is that basic services in the health, education, transport and communications areas must be maintained at levels which allow the inhabitants of the atolls to retain confidence in the quality of life on Tokelau's atolls. To this end, major programmes to upgrade health and education facilities and services are under way, funded by additional resources from New Zealand. A major upgrade of Tokelau's shipping service is also in progress.

A. Economic developments

30. Assistance to Tokelau is provided by New Zealand under the terms of three-year economic support arrangements. The most recent of these was signed by the New Zealand Minister for Foreign Affairs and the Ulu of Tokelau in December 2007. It covers the period from 1 July 2007 to 30 June 2010 and commits up to $NZ 43.18 million in assistance for Tokelau.[4] The Minister for Foreign Affairs also announced an additional New Zealand contribution to the Tokelau International Trust Fund. The Fund, formally established in November 2004, is designed to provide intergenerational security and independent source of income to Tokelau. With contributions from Tokelau, New Zealand, Australia, and the United Kingdom of Great Britain and Northern Ireland, the Fund now stands at $NZ 33 million.

31. Tokelau's overall budget for 2007-2008 is set at $NZ 13.18 million. The full budget is now under Tokelau's control (previously it controlled the budgetary support element but not the project assistance funds), with New Zealand remaining the primary source of economic support. Included within the overall budget support are $NZ 10 million in operating costs, $NZ 1.05 million in technical assistance, $NZ 1.12 million in infrastructure assistance, $NZ 500,000 for shipping services and a balance in other related programmes. By 2009-2010, overall assistance to Tokelau is projected to increase to $NZ 15.3 million.

32. Throughout 2007, discussion continued within Tokelau and with New Zealand on appropriate and achievable goals and objectives in the area of economic development. In recognition of the fact that accomplishments in this key sector in recent years have been modest at best, both Tokelau and New Zealand have

[4] As at 22 January 2008, the New Zealand dollar was equivalent to 0.77 United States dollars.

reaffirmed their commitment to identifying activities and projects that can be viably established and maintained.

33. Regarding commercial fisheries, under the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, Tokelau earns fees paid by United States vessels fishing in its exclusive economic zone. Tokelau earned more than $NZ 1 million in such fishing fees in 2007.

34. In the previous country programme cycle from 2003 to 2007, UNDP contributed from its multi-country office in Apia to the strengthening of the Territory's social and economic capabilities, sustainable human development, disaster risk reduction, energy and the environment. Some of the milestones in the UNDP relationship with Tokelau during this cycle have been the signing of the memorandum of understanding between Tokelau and Samoa allowing Tokelau to ship certain waste to Samoa, a national energy policy for Tokelau, including pilot studies and projects on renewable energy, and support for initial preparations leading up to the referendums on self-determination. In late November 2006, the Territory hosted 10 regional and international organizations. The visit was a first, whereby United Nations organizations, including UNDP, worked together to develop a joint mission report and strategy for Tokelau. A draft strategy for the work of agencies active in Tokelau, covering the period from 2007 to 2010 and prepared jointly by the United Nations and the Council of Regional Organizations in the Pacific (CROP), was released at the end of 2007 for initial discussion. It is hoped that this strategy will help to avoid a piecemeal approach on the part of international and regional organizations in meeting Tokelau's development requirements. New Zealand and Tokelau have agreed to look at how Tokelau's interaction with a growing number of development partners and agencies can be rationalized to primarily reflect Tokelau's needs.

35. The Tokelau/UNDP Country Programme for 2008 to 2012 will focus on equitable economic growth and poverty reduction, good governance and human rights, crisis prevention and recovery, and sustainable environmental management, with gender equality as a cross-cutting theme. Support will be provided for national development planning, a first Millennium Development Goals report for Tokelau will be prepared for submission to the General Assembly in 2010, a human development index and a gender-related development index will be produced for the first time for Tokelau, and practical options will be developed for population retention, income generation and sustainable livelihoods. Support will continue for capacity development and a new initiative is expected for leadership training for youth. Institutional mechanisms and capacities will be strengthened for effective disaster response. Community-based initiatives will be supported and scaled up through gender-sensitive local-level planning, particularly for environmental management, disaster risk reduction, climate change adaptation, sustainable livelihoods, energy efficiency and renewable energy use.

36. UNDP will continue to support the participation of Tokelau in the Global Environment Facility Small Grants Programme through the NZAID Pacific Environment Fund. All these initiatives will be implemented under the leadership of the Tokelau Government and in close partnership with United Nations agencies through the United Nations Development Assistance Framework (2008-2012), and with the CROP agencies through the United Nations/CROP integrated framework for development in Tokelau (see para. 34 above).

37. In February 2005, Tokelau was struck by a force 5 cyclone (Cyclone Percy), which did considerable damage to Tokelau's infrastructure and caused major damage to the atolls of Nukunonu and Fakaofo. In addition to the assistance provided by New Zealand, Tokelau received generous offers of help from UNDP and the Governments of Australia and Samoa. The Office for the Coordination of Humanitarian Affairs fielded a disaster assessment coordination team within one week of the disaster, at the request of the United Nations Resident Coordinator based in Apia. The team conducted an assessment of the damage caused by the cyclone and identified areas that required priority assistance from the United Nations and the international community. A number of non-governmental organizations (for example, the Samoa Red Cross Society) and individuals also contributed to the relief effort. The sea wall repairs and extensions are of high priority in all three villages.

38. In 2007, UNDP provided US$ 205,000 for the sea wall project. Though the project started quite slowly after it was signed in 2006, the progress in 2007 has been quite noticeable. The project is ongoing at present under a national execution modality, wherein each atoll has been allocated funds from the total amount for strengthening their sea walls. As at end of 2007, upgrading of the sea wall surrounding the main residential islet of Fale, Fakaofo was completed. Assistance is now being sought for similar protection for the second residential islet (Fenuafala), where the school and hospital are located. Work continues in Atafu and Nukunonu, in the most vulnerable areas of the two villages. The slower progress on Atafu and Nukunonu is primarily due to slow delivery of gabion baskets from overseas.

B. Public services

39. No further developments were reported during the review period (see A/AC.109/2005/3, paras. 32-34).

C. Transport and communications

40. Tokelau has no airstrips and its main transportation option is that provided by a single vessel, the *MV Tokelau*, a ship with limited cargo and passenger capacity that provides service every two weeks between Tokelau and Apia, as well as inter-atoll services. The United Nations mission that visited the Territory in August 2002 concluded that the lack of transportation options was one of the greatest obstacles to economic and social development in the Territory and recommended that serious consideration be given to the establishment of a dedicated inter-atoll ferry and an airstrip on one of the atolls. Since 2003, New Zealand has funded additional visits by larger vessels under charter from the Samoa Shipping Corporation Ltd. A review of shipping services has been completed and consideration is now being given to the provision by New Zealand, under its official development assistance programme, of either a purpose-built ship owned by the Tokelau Government or a long-term dedicated charter service. During the Pacific regional seminar on decolonization, held in Fiji in November 2006, Administrator David Payton said he was pleased to be able to signal major advances in the upgrading of the shipping services. Studies on improvements to the wharfage facilities at each atoll are also progressing.

41. The ongoing development of Tokelau's infrastructure and maintenance of existing facilities is a major facet of Tokelau/New Zealand relations. Decisions on

the prioritization of projects rests with the Tokelau Government, both at the level of the public service and the village councils. It is worth noting that, in setting priorities for infrastructure development on an atoll-by-atoll basis, no proposal has been submitted to date by any of the atoll councils for the construction of an airstrip. Upgrading of schools and hospitals has been accorded the highest priority on each atoll for the coming three-year programme cycle.

42. For more than a decade, large investments have been made to facilitate contacts for Tokelauans inter-atoll as well as with the outside world. In April 1997, the Telecommunications Tokelau Corporation, a $NZ 4 million international telecommunication service, was inaugurated. Tokelau also has a website (www.dot.tk) which became operational in January 2002 and offers both free and paid domain names. The website is the result of a commercial licensing agreement between the Corporation and a private company, Taloha Inc. It is seen as having the potential to provide revenue to the Territory without any capital outlay by the Corporation.[5]

43. In February 2002, FM radio stations were inaugurated on each of the atolls with funding from New Zealand. Although they currently operate independently, there are plans to link them at least once a week for a national programme. This is being considered under a media development project funded by UNESCO. These radio stations are seen as an excellent means of maintaining the Territory's cultural heritage, as well as facilitating communication and transparency on community and decision-making matters, since they broadcast meetings of the Council of Elders on each atoll.

44. In 2004, UNDP funded a comprehensive review of telecommunications and stimulated a number of reforms in the Telecommunications Tokelau Corporation and in the integration of Internet facilities and services. A Tokelau law website, funded by the UNDP thematic trust fund for democratic governance and aimed at making the Constitution and all Tokelauan legislation accessible to the Tokelauan population, was developed in 2005 and launched in February 2006.

D. Power supply

45. In 2001, work was begun on a diesel-powered electricity system in all three atolls, under the auspices of the New Zealand Agency for International Development. The initial stages of the project, completed in 2004, cost some $NZ 2 million. In 2005, an agreement was reached on the completion of the project at an additional cost of $NZ 1 million. Work is now almost complete. Tokelau's goal of being completely provisioned by renewable energy sources is supported by a pilot photovoltaic energy grid project funded by UNDP and contributions from the Government of France. The project, covering 15 households on Fakaofo, will be expanded to complete atoll coverage, thereby significantly reducing reliance on fossil fuels. Steady increases in the cost of imported fossil fuels also underscore the importance to Tokelau of a significant shift to renewable energy sources, as well as the vital need for increased awareness within the atoll communities of energy conservation and efficiency.

[5] Press release, "History in the making" (February 2002), and information transmitted by the Administrator of Tokelau.

V. Social conditions

A. Education

46. Under Tokelau's compulsory education system, primary and secondary education are available to everyone. As a member of the University of the South Pacific, Tokelau also has access to the University's educational telecommunications system through a satellite established in Atafu. Despite significant and increasing levels of funding for education over many years, education standards on the atolls remain relatively low. This is a key reason why significant numbers of families leave the atolls to seek improved educational opportunities for their children in Samoa, New Zealand and elsewhere. Both Tokelau and New Zealand recognize that this situation needs to be robustly addressed, while also acknowledging that educational and career aspirations will always be a key factor in the departure of some segments of the atoll populations. In addition to a major programme of school construction and renovation, efforts have been devoted in the past year to curriculum development, training of principals and senior staff and the extension of secondary schooling in 2008 to cover year 12, with a possible further extension to year 13 in 2009.

B. Health

47. The provision of adequate health services to the populations of three dispersed atolls connected to the wider world by sea transport will always be one of the most important challenges for Tokelau. The major non-local sources of contributions to health care are the New Zealand Government, WHO, UNICEF, the United Nations Population Fund and UNDP, as well as the Government of Australia and the Secretariat of the Pacific Community (SPC). The national health plan's priorities are (a) healthy islands and communities; (b) healthy lifestyles; (c) development of health partnerships; (d) development of accessible primary health-care services; (e) successful community participation; and (f) development and improvement of the health service system.[6]

48. Each of Tokelau's atolls has a basic hospital, staffed and equipped to deliver core medical care and related services. Ensuring that each is adequately staffed and supported by necessary equipment and supplies is a challenge. Considerable attention and funding is devoted to this core area of Tokelau's needs. The overall result in terms of delivery of quality health services for the people of the atolls has been mixed. Discussions are taking place between the leaders of Tokelau and the administering Power about the level and quality of health services required on each atoll and the most appropriate means of ensuring that these are provided. Ensuring that the people of Tokelau are well served in this crucial area will be a major element of both Tokelau's and New Zealand's efforts during the coming year.

49. WHO has focused its support on four priority health areas, acting with a total budget allocation of US$ 107,000 in 2006-2007, and US$ 112,000 for 2008-2009. The four priority areas are:

(a) Policy development and strategic advice in the key health areas;

[6] Information from WHO, 28 January 2007.

(b) Human resources for health (such as the training of doctors, dentists, nurses and environmental health staff);

(c) Health promotion workshops and awareness campaigns on HIV/AIDS, sexually transmitted infections, healthy lifestyles and other topics; and

(d) Support for prevention and control of non-communicable diseases.

The need for these health education programmes has grown as a result of changes in lifestyle and an increase in non-communicable diseases in Tokelau. Other support provided by WHO relates to primary prevention of communicable diseases through the expanded programme of immunization against childhood diseases, the procurement of needed medical supplies and equipment and the provision of expert health-related technical assistance, as required.

50. WHO notes that, although the general health status of Tokelauans is good, changes have been observed over the past few years. The mortality rate from non-communicable diseases has increased from 31 per cent in 1981 to almost 38 per cent in 2003. High blood pressure readings are seen in 36 per cent of women and 23 per cent of men 30 years of age and above. High blood sugar levels for the same age group is seen in 18 per cent of men and 28 per cent of women. Tobacco and alcohol consumption are relatively high among the adult population, especially in males. Obesity is widespread, with a prevalence of 70 per cent for men and 83 per cent for women 30-39 years of age.[7]

C. Status of women

51. No further developments were reported during the review period (see A/AC.109/2005/3, para. 42). However, the Tokelau/UNDP country programme for 2008-2012 will focus on equitable economic growth and poverty reduction, good governance and human rights, crisis prevention and recovery and sustainable environmental management, with gender equality as a cross-cutting theme (see para. 35 above).

VI. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

52. In August 2002, a mission of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples visited Tokelau and New Zealand. It was the fifth such visiting mission since 1976.[8] In October 2004, the Chairperson of the Special Committee attended the special constitutional workshop held at Atafu, pursuant to the invitation extended by the Ulu of Tokelau earlier in the year.

[7] Country health information profile, WHO Samoa office, 14 January 2008.

[8] For further details, see the report of the mission (A/AC.109/2002/31).

53. In February 2006 and October 2007, at the invitation of the Government of New Zealand and the people of Tokelau, the former Chairperson of the Special Committee, Robert Aisi, Permanent Representative of Papua New Guinea to the United Nations, together with a representative of the Decolonization Unit of the Department of Political Affairs, attended the Tokelau referendums, as described in paragraphs 14 to 17 above. In June 2007, as in previous years, the Ulu-o-Tokelau, Kuresa Nasau, and the Administrator, David Payton, participated in the session of the Special Committee at Headquarters in New York (see para. 60 below). In November 2006, the Special Committee held a Pacific regional seminar in Yanuca, Fiji, at which Tokelau was used as a case study illustrating how small Territories might approach the challenges of decolonization.[9]

54. The Special Committee considered the question of Tokelau at its 9th meeting, on 27 June 2007 (see A/AC.109/2007/SR.9). Statements were made at that meeting by the Administrator of Tokelau and the Ulu-o-Tokelau. The representative of Papua New Guinea, on behalf of Fiji and Papua New Guinea, introduced a draft resolution entitled "Question of Tokelau" (A/AC.109/2007/L.15). The Committee adopted the draft resolution without a vote.

B. Special Political and Decolonization Committee (Fourth Committee)

55. At its 2nd meeting, on 8 October 2007, the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly heard statements by the Rapporteur and the Chair of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in which they referred to developments in 2007 regarding Tokelau (see A/C.4/62/SR.2). In their statements they commended the Government of New Zealand for its exemplary cooperation with the Special Committee. The representatives also emphasized the value of visiting missions to Non-Self-Governing Territories as an important way of disseminating information on their options for self-determination.

56. At its 23rd meeting, on 14 November 2007, the Fourth Committee heard a statement by the Permanent Representative of Papua New Guinea to the United Nations, who had represented the Special Committee during the October 2007 referendum in Tokelau. He told the Committee that close to 64 per cent of Tokelauans had voted in favour of self-government, falling just short of the two-thirds majority required to achieve that status. Tokelau would now have a period of reflection to consider how to address the concerns of the remaining 36 per cent who had voted "no" in the referendum. At the same meeting, the representative of New Zealand, Tokelau's administering Power, made a statement noting that successive New Zealand Governments had long considered that the people of Tokelau should decide on both the direction and the pace of their political development. The Committee adopted the draft resolution entitled "Question of Tokelau,"[10] as orally revised by its sponsors to reflect the holding of the referendum, without a vote.

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[9] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 23A* (A/61/23/Add.1).

[10] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 23* (A/62/23), chap. XII, draft resolution V).

C. Action taken by the General Assembly

57. At its 75th meeting, on 17 December 2007, the General Assembly, on the recommendation of the Fourth Committee, adopted resolution 62/117 on the question of Tokelau without a vote. On the same date, it also adopted resolution 62/120 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, paragraph 6 of which refers to Tokelau.

VII. Future status of the Territory

A. Position of the administering Power

58. As administering Power for Tokelau, New Zealand has maintained a strong and consistent commitment both to the aspirations of the people of Tokelau and to the principle of self-determination. It has sought consistently to support Tokelau's aspirations to move to full exercise of its right to self-determination. In two referendums on the issue of self-determination, New Zealand has provided all appropriate support for Tokelau's efforts to determine the will of its people for a possible change of status. Successive Administrators and representatives of New Zealand to the United Nations have placed on record before the Special Committee and the Special Political and Decolonization Committee (Fourth Committee) full information about New Zealand's support for Tokelau and its right to self-determination. This attitude towards the needs and aspirations of the people of Tokelau has been favourably acknowledged by these committees on many occasions.

59. The outcomes of the referendums in February 2006 and October 2007, neither of which reached the threshold of support set by Tokelau's General Fono for a change of status, have been acknowledged and accepted by New Zealand. As a follow-up to the most recent referendum result, the Prime Minister of New Zealand has invited Tokelau's leaders, after the January 2008 elections for atoll leadership positions, to meet with her for discussions on the next steps in the New Zealand-Tokelau relationship. The recent approval of the three-year economic support arrangement for Tokelau (see para. 30 above) has also provided Tokelau's people with clear evidence of New Zealand's enduring commitment to their well-being and needs.

B. Position of the people of Tokelau

60. At the 9th meeting of the Special Committee, on 27 June 2007, the Ulu-o-Tokelau, Kuresa Nasau, said that Tokelau's Referendum Commission had decided that the forthcoming referendum was to be held in October 2007, and that the General Fono had decided that the question posed in the 2007 referendum would be the same as that of the 2006 referendum. Again, a two-thirds majority would be needed for the proposal to pass. The Ulu invited the Special Committee to attend the event and gave an account of all the preparations and consultations preceding the vote (see A/AC.109/2007/SR.9). The Ulu spoke of the close cooperation between Tokelau and its administering Power, New Zealand, not least in the area of economic support, and noted that they were currently working towards the finalization of an economic package for the period 2007-2010. The Tokelau International Trust Fund at that point stood at US$ 22 million, thanks to the ongoing

support of New Zealand and other countries. Tokelau's vision for the next three years was to address priority areas such as village development, health, education and transport. The Ulu also mentioned the particular concerns over the impact of global warming and rising sea levels and called upon the international community to take immediate steps to address those issues.